

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

(Attorney Docket No. 13935US02)

In the Application of:

Jonathan Lee et al.

Serial No.: 10/629,207

Filed: July 29, 2003

For: SYSTEM AND METHOD FOR
OPTIMIZING POWER CONSUMPTION
IN A MOBILE ENVIRONMENT

Examiner: Fahmida Rahman

Group Art Unit: 2116

Confirmation No.: 5674

Transmitted via the Office electronic filing
system **September 2, 2010.**

**APPLICATION FOR RECONSIDERATION OF THE
DETERMINATION OF PATENT TERM ADJUSTMENT
UNDER 35 U.S.C. 154(b)
ACCOMPANYING THE NOTICE OF ALLOWANCE
(37 CFR § 1.705)**

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Sir:

The applicant respectfully requests reconsideration of the Determination of Patent Term Adjustment Under 35 U.S.C. 154(b) (PTOL-85) accompanying the Notice of Allowance mailed June 2, 2010 ("the Decision"), to the extent indicated in the following discussion and the enclosed modified version of the USPTO Patent Term Adjustment calculation on PAIR. This application for reconsideration of the Decision is being filed after the date of mailing of the Notice of Allowance and no later than the payment of the issue fee.

This application for reconsideration of the Decision is accompanied by the fee set forth in § 1.18(e) (\$200).

This application for reconsideration of the Decision includes below a statement of the facts involved in sufficient detail to allow the United States

Patent and Trademark Office (USPTO) to reach the correct patent term adjustment respecting the disputed items.

The Applicant's calculation shows that the correct patent term adjustment should be 334 days.

The basis under § 1.702 for the adjustment is as follows.

Positive Patent Term Adjustment

Three Year Guarantee (35 USC § 154(b)(1)(B))

The USPTO calculation of the patent term adjustment under the three-year deadline for issuing a patent after its filing date was 0 days. The Applicant disagrees with this determination because the patent term adjustment on this ground should instead be 166 days, minus 0 days consumed by an appeal, for a net adjustment of 166 days.

Specifically, the enclosed modified version of the USPTO Patent Term Adjustment calculation on PAIR shows that:

- the actual filing date of the application was July 29, 2003,
- the third anniversary of the actual filing date was July 29, 2006,
- the first request for continued examination of the application (RCE) under 35 USC 132(b) was filed on January 11, 2007.
- the first RCE was filed 166 days after the third anniversary of the actual filing date, which is the appropriate patent term adjustment on this ground.

Net Patent Term Adjustment

The changes requested by the Applicant to the USPTO patent term adjustment determination in the Decision are as follows:

Positive Patent Term Adjustment

- Three Year Guarantee
(35 USC § 154(b)(1)(B))

	Patent Term Adjustment (days)
USPTO Calculation	0
Applicant Calculation	166

Conclusion

The Applicant requests modification of the patent term adjustment as indicated above. As shown in the enclosed modified version of the USPTO Patent Term Adjustment calculation on PAIR, the patent term adjustment proposed by the Applicant is thus 334 days.

Please charge any fees or credit any overpayment of fees presently required to McAndrews, Held & Malloy, Ltd., Deposit Account No. 13-0017.

Respectfully submitted,

McANDREWS, HELD & MALLOY, LTD.

Date: September 2, 2010

By: /Mirut P. Dalal/
Mirut P. Dalal
Reg. No. 44,052
Attorney for Applicants

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10/629,207	SYSTEM AND METHOD FOR OPTIMIZING POWER CONSUMPTION IN A MOBILE ENVIRONMENT	08-11-2010::13:08:14
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Patent Term Adjustments

Patent Term Adjustment (PTA) for Application Number: 10/629,207

Filing or 371(c) Date:	07-29-2003	USPTO Delay (PTO) Delay (days):	-
Issue Date of Patent:	-	Three Years:	-
Pre-Issue Petitions (days):	-	Applicant Delay (APPL) Delay (days):	-
Post-Issue Petitions (days):	-	Total PTA (days):	168
USPTO Adjustment(days):	-	Explanation Of Calculations	

Patent Term Adjustment History

Date	Contents Description	PTO(Days)	APPL(Days)
06-01-2010	Document Verification		
06-01-2010	Notice of Allowance Data Verification Completed		
05-20-2010	Examiner's Amendment Communication		
05-13-2010	Examiner Interview Summary Record (PTOL - 413)		
05-14-2010	Date Forwarded to Examiner		
05-14-2010	Mail Appeals conf. Rej. withdrawn		
05-14-2010	Date Forwarded to Examiner		
05-10-2010	Amendment/Argument after Notice of Appeal		
05-13-2010	Pre-Appeals Conference Decision - Rejection Withdrawn		
03-02-2010	Request for Pre-Appeal Conference Filed		
03-02-2010	Notice of Appeal Filed		59
03-02-2010	Request for Extension of Time - Granted		⬆
10-02-2009	Mail Final Rejection (PTOL - 326)		⬆
09-30-2009	Final Rejection		
07-16-2009	Date Forwarded to Examiner		
06-04-2009	Response after Non-Final Action		
03-04-2009	Mail Non-Final Rejection		
03-02-2009	Non-Final Rejection		
02-04-2009	Date Forwarded to Examiner		
02-04-2009	Date Forwarded to Examiner		
01-21-2009	Request for Continued Examination (RCE)		4
02-04-2009	Disposal for a RCE / CPA / R129		⬆
01-21-2009	Workflow - Request for RCE - Begin		⬆
10-17-2008	Mail Final Rejection (PTOL - 326)		⬆
10-14-2008	Final Rejection		
08-07-2008	Date Forwarded to Examiner		
06-19-2008	Response after Non-Final Action		83
06-19-2008	Request for Extension of Time - Granted		⬆
05-19-2008	Mail Notice of Informal or Non-Responsive Amendment		⬆
05-16-2008	Date Forwarded to Examiner		⬆
03-28-2008	Informal or Non-Responsive Amendment after Examiner		⬆

Action		
03-28-2008	Response after Non-Final Action	⬆
12-28-2007	Mail Non-Final Rejection	
12-26-2007	Non-Final Rejection	
12-05-2007	Date Forwarded to Examiner	
12-05-2007	Date Forwarded to Examiner	
10-31-2007	Request for Continued Examination (RCE)	
12-05-2007	Disposal for a RCE / CPA / R129	
10-31-2007	Workflow - Request for RCE - Begin	
09-20-2007	Mail Final Rejection (PTOL - 326)	
09-17-2007	Final Rejection	
07-12-2007	Date Forwarded to Examiner	
07-05-2007	Response after Non-Final Action	
04-05-2007	Mail Non-Final Rejection	
03-31-2007	Non-Final Rejection	
01-29-2007	Date Forwarded to Examiner	
01-29-2007	Date Forwarded to Examiner	
01-11-2007	Request for Continued Examination (RCE)	92
01-29-2007	Disposal for a RCE / CPA / R129	⬆
01-11-2007	Request for Extension of Time - Granted	⬆
01-11-2007	Workflow - Request for RCE - Begin	⬆
07-11-2006	Mail Final Rejection (PTOL - 326)	⬆
07-07-2006	Final Rejection	
05-08-2006	Date Forwarded to Examiner	
04-28-2006	Response after Non-Final Action	40
04-28-2006	Request for Extension of Time - Granted	⬆
12-19-2005	Mail Non-Final Rejection	446
12-12-2005	Non-Final Rejection	⬆
02-12-2004	Information Disclosure Statement considered	⬆
10-04-2005	Case Docketed to Examiner in GAU	⬆
08-11-2005	Miscellaneous Incoming Letter	⬆
07-08-2004	IFW TSS Processing by Tech Center Complete	⬆
07-08-2004	Case Docketed to Examiner in GAU	⬆
02-12-2004	Information Disclosure Statement (IDS) Filed	⬆
02-12-2004	Information Disclosure Statement (IDS) Filed	⬆
05-04-2004	Transfer Inquiry to GAU	⬆
01-29-2004	Application Return from OIPE	⬆
01-29-2004	Application Return TO OIPE	⬆
01-28-2004	Application Dispatched from OIPE	⬆
01-29-2004	Application Is Now Complete	⬆
12-19-2003	Additional Application Filing Fees	⬆

12-19-2003	A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applicant	⬆
07-29-2003	Claim Preliminary Amendment	⬆
10-27-2003	Notice Mailed--Application Incomplete--Filing Date Assigned	⬆
10-14-2003	Cleared by OIPE CSR	⬆
09-06-2003	IFW Scan & PACR Auto Security Review	⬆
07-29-2003	Initial Exam Team nn	⬆

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PATENT TERM ADJUSTMENT SPREADSHEET

Ser. No.

10/629,207

Docket No.

13935US02

DATE	EVENT	PTO Calculation	Appl. Delay
12/14/2010	Projected issue date		
6/2/2010	Mail Notice of Allowance		
6/1/2010	Document Verification		
6/1/2010	Notice of Allowance Data Verification Completed		
5/20/2010	Examiner's Amendment Communication		
5/14/2010	Date Forwarded to Examiner		
5/14/2010	Mail Appeals conf. Rej withdrawn		
5/14/2010	Date Forwarded to Examiner		
5/13/2010	Examiner Interview Summary Record (PTOL - 41.3)		
5/13/2010	Pre-Appeals Conference Decision - Rejection		
5/13/2010	Withdrawn		
5/10/2010	Amendment/Argument after Notice of Appeal		
3/2/2010	Request for Pre-Appeal Conference Filled		
3/2/2010	Notice of Appeal Filled		59
3/2/2010	Request for Extension of Time - Granted		
1/2/2010	Three months after Office action		

Applicant Calculation	PTO Delay	Appl. Delay
		59.00

10/2/2009	Mail Final Rejection (PTOL - 326)	#	
9/30/2009	Final Rejection		
7/16/2009	Date Forwarded to Examiner		
6/4/2009	Response after Non-Final Action		
3/4/2009	Mail Non-Final Rejection		
3/2/2009	Non-Final Rejection		
2/4/2009	Date Forwarded to Examiner		
2/4/2009	Date Forwarded to Examiner		
2/4/2009	Disposal for a RCE / CPA / RI 29	#	
1/21/2009	Request for Continued Examination (RCE)		4
1/21/2009	Workflow - Request for RCE - Begin	#	
1/17/2009	Three months after Office action		
10/17/2008	Mail Final Rejection (PTOL - 326)	#	
10/14/2008	Final Rejection		
8/7/2008	Date Forwarded to Examiner		
6/19/2008	Response after Non-Final Action		83
6/19/2008	Request for Extension of Time - Granted	#	
5/19/2008	Mail Notice of Informal or Non-Responsive Amendment	#	

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1/29/2007	Date Forwarded to Examiner		
1/29/2007	Disposal for a RCE / CPA / R129		
1/11/2007	Request for Continued Examination (RCE)		92
1/11/2007	Request for Extension of Time - Granted		
1/11/2007	Workflow - Request for RCE - Begin		
10/11/2006	Three months after Office action		
7/29/2006	Three year date		
7/11/2006	Mail Final Rejection (PTOL - 326)		
7/7/2006	Final Rejection		
5/8/2006	Date Forwarded to Examiner		
4/28/2006	Response after Non-Final Action		40
4/28/2006	Request for Extension of Time - Granted		
3/19/2006	Three months after Office action		
12/19/2005	Mail Non-Final Rejection	446	
12/12/2005	Non-Final Rejection		
10/4/2005	Case Docketed to Examiner in GAU		
8/11/2005	Miscellaneous Incoming Letter		
9/29/2004	14 month date		
7/8/2004	IFW TSS Processing by Tech Center Complete		

166.00		92.00
		40.00
446.00		

